

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

LOWELL BAISDEN, MICHAEL)	
KONING, and ANESTHESIA)	
CONSULTANTS OF NEBRASKA, INC.,)	
a Nebraska corporation,)	
)	
Plaintiffs,)	8:06CV517
)	
v.)	
)	
RON BOURNE, BURT McKEAG,)	ORDER
ANDREW CHONTOS, BOB McCHESNEY,)	
and Does 1 through 10,)	
)	
Defendants.)	
_____)	

This matter is before the Court on defendants' motion to dismiss RICO claim and strike second amended complaint on behalf of defendants Ron Bourne, Burt McKeag, Andrew Chontos and Bob McChesney (Filing No. 48). The Court notes that plaintiffs' first amended complaint (Filing No. 9) was dismissed by this Court without prejudice and that plaintiffs were permitted to file a second amended complaint (See Filing No. 43).

Plaintiffs filed a second amended complaint (Filing No. 46), advising the Court (Filing No. 47) that said complaint did not contain an amendment to the RICO claim. Defendants claim that plaintiffs did not have leave of court to amend the other claims in their complaint.

The Court will not review Judge Bataillon's dismissal of plaintiffs' RICO claim, and defendants' motion to dismiss the RICO claim will be granted. The Court will, however, grant plaintiffs leave to file an amended complaint as to any other claims they wish to assert. Accordingly,

IT IS ORDERED:

1) Defendants' motion to dismiss the RICO claim in plaintiffs' second amended complaint is granted;

2) Plaintiffs shall file an amended complaint on or before May 1, 2007, containing any other claims they wish to assert.

3) Defendants shall have until May 21, 2007, to file a responsive pleading to said amended complaint.

4) Defendants' motion for enlargement of time (Filing No. 58) is granted in accordance with the amended progression order (Filing No. 59).

DATED this 17th day of April, 2007.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court